

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYLER TRENCH,

Defendant.

CR 15-156-BLG-SPW

ORDER

On November 16, 2016, Defendant Tyler Trench appeared before the Court for his initial appearance on a petition alleging he violated conditions of his supervised release. The Defendant waived his right to a preliminary hearing on the petition, and he waived his right to a hearing on the issue of his release or detention pending his final revocation hearing.

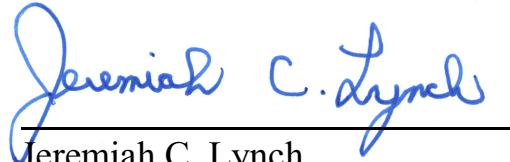
Pursuant to Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a)(1), a judicial officer shall detain a defendant awaiting final disposition on a petition alleging violations of supervised release “unless the judicial officer finds by clear

and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community” if the defendant were released from custody. 18 U.S.C. § 3143(a); *United States v. Loya*, 23 F.3d 1529, 1531 (9<sup>th</sup> Cir. 1994) (applying standards for release under § 3143 to the issue of detention or release relative to a petition alleging violations of supervised release). A defendant bears the burden of establishing the existence of these conditions entitling him to release. Fed. R. Crim. P. 32.1(a)(6).

Since Defendant has waived his right to a hearing on the issue of his release or detention at this time, the Court finds there exists no clear and convincing evidence in the record to support a finding that the Defendant is not likely to flee or pose a danger to the safety of any other person or the community if he were released from custody. Accordingly, pursuant to Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a)(1), **IT IS HEREBY ORDERED** the Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall

deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 16<sup>th</sup> day of November, 2016.

A handwritten signature in blue ink that reads "Jeremiah C. Lynch". The signature is written in a cursive style with a large initial "J".

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Jeremiah C. Lynch  
United States Magistrate Judge